

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>JOAN GRACE HARLEY, et. al.,</b>	§	
<b>Plaintiff,</b>	§	
	§	
<b>VS.</b>	§	
	§	
<b>GREG ABBOTT, et al.,</b>	§	
<b>Defendants.</b>	§	

**CIVIL ACTION  
NO. 3:17-CV-03073-L-BF**

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**DEFENDANT WARREN'S RESPONSE TO PLAINTIFF SEVIER'S MOTION  
FOR SUMMARY JUDGMENT, INCORPORATING DEFENDANT WARREN'S  
MOTION TO DISMISS UNDER FED. R. CIV. P. 12(b)(2) & 12(b)(5)  
AND BRIEF IN SUPPORT**

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TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendant Dallas County Clerk John Warren (“Defendant Warren”) and files this response to Plaintiff Chris Sevier’s (“Sevier”) Motion for Summary Judgment and Brief in support. In support thereof, Defendant Warren shows the following:

**I.  
PROCEDURAL BACKGROUND**

Plaintiffs Joan H. Harley, Whitney Kohl, John Gunter, Jr., and Chris Sevier filed the instant suit in this Court on November 7, 2017. (Doc. 3).

On December 21, 2017, Defendant Warren filed a motion to dismiss and an amended motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(2) and 12(b)(5) asserting that service of process is insufficient as a matter of law. (Docs. 28 and

29). Defendants Greg Abbott and Ken Paxton filed a motion to dismiss on December 22, 2017. (Doc. 32). Both of these motions are currently pending.

On December 29, 2017, Sevier filed Plaintiff Sevier's Motion for Summary Judgment and Brief in Support. (Docs. 35 and 36). This Court has not yet entered a scheduling order in this case.

**II.**  
**RESPONSE**

Defendant Warren incorporates by this reference Defendant Warren's Amended Motion to Dismiss under Fed. R. Civ. P. 12(b)(2) & 12(b)(5) and Brief in Support filed on December 21, 2017. (Doc. 29). As argued in the motion to dismiss, service of process is insufficient as a matter of law and this Court lacks personal jurisdiction over Defendant Warren.

Respectfully submitted,

FAITH JOHNSON  
CRIMINAL DISTRICT ATTORNEY  
DALLAS COUNTY, TEXAS

/s/ Tammy J. Adolf  
TAMMY J. ARDOLF  
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ATTORNEYS FOR DEFENDANT  
DALLAS COUNTY CLERK JOHN WARREN

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document was served on all parties by its electronic filing, as required, on January 2, 2018.

/s/ Tammy J. Adolf  
TAMMY J. ARDOLF